

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL DEMINTER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 3:15-cv-05735 JRC

ORDER ON STIPULATED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES AND COSTS

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 4; Consent to Proceed Before a United States Magistrate Judge, Dkt. 5).

This matter is before the Court on plaintiff's Stipulated Motion for Equal Access to Justice Act Fees and Costs (*see* Dkt. 15).

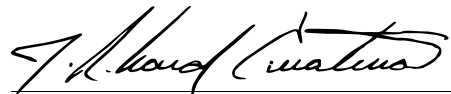
Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), the Stipulation of the parties (*see* Dkt. 15) and the relevant record, it is hereby ORDERED that EAJA attorney's

1 fees of \$5,898.68 shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue*
2 *v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

3 It is further ORDERED that costs in the amount of \$400.00 shall be awarded to plaintiff
4 pursuant to 28 U.S.C. § 1920.

5 The Acting Commissioner agrees to contact the Department of Treasury after the Order
6 for EAJA fees and costs is entered to determine if the EAJA fees and costs are subject to any
7 offset. If it is determined that plaintiff's EAJA fees and costs are not subject to any offset
8 allowed pursuant to the Department of the Treasury's Offset Program, then the check for EAJA
9 fees and for costs shall be made payable to Dellert Baird Law Offices, PLLC, based on plaintiff's
10 assignment of these amounts to plaintiff's attorney. If there is an offset, the remainder shall be
11 made payable to plaintiff, based on the practice of the Department of the Treasury (*see, e.g.*,
12 Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees and costs shall be mailed to
13 plaintiff's counsel, Christopher H. Dellert, Esq., at Dellert Baird Law Offices, PLLC, 524
14 Tacoma Ave. S., Tacoma, WA 98402.

15 Dated this 17th day of June, 2016.

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18 J. Richard Creatura
19 United States Magistrate Judge
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